

**HB 2829 - H AMD 853**

By Representative Woods

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 46.82 RCW  
4 to read as follows:

5 The uniform regulation of business and professions act, chapter  
6 18.235 RCW, governs unlicensed practice, the issuance and denial of  
7 licenses, and the discipline of licensees under this chapter.

8 **Sec. 2.** RCW 46.82.280 and 1986 c 80 s 1 are each amended to read  
9 as follows:

10 (~~Unless the context clearly requires otherwise,~~) The definitions  
11 in this section ((shall)) apply throughout this chapter unless the  
12 context clearly requires otherwise.

13 (1) "Behind-the-wheel instruction" means instruction in an approved  
14 driver training school instruction vehicle according to and inclusive  
15 of the minimum required curriculum. Behind-the-wheel instruction is  
16 characterized by driving experience.

17 (2) "Classroom" means a space dedicated to and used exclusively by  
18 a driver training instructor for the instruction of students. With  
19 prior department approval, a branch office classroom may be located  
20 within alternative facilities, such as a public or private library,  
21 school, community college, college or university, or a business  
22 training facility.

23 (3) "Classroom instruction" means that portion of a traffic safety  
24 education course that is characterized by classroom-based student  
25 instruction conducted by or under the direct supervision of a licensed  
26 instructor or licensed instructors.

27 (4) "Driver training school" means a commercial driver training  
28 school engaged in the business of giving instruction, for a fee, in the  
29 operation of automobiles.

1        ~~((+2))~~ (5) "Driver training education course" means a course of  
2 instruction in traffic safety education approved and licensed by the  
3 department of licensing that consists of classroom and behind-the-wheel  
4 instruction as documented by the minimum approved curriculum.

5        (6) "Director" means the director of the department of licensing of  
6 the state of Washington.

7        ~~((+3))~~ (7) "Advisory committee" means the driving instructors'  
8 advisory committee as created in this chapter.

9        ~~((+4))~~ (8) "Fraudulent practices" means any conduct or  
10 representation on the part of a ~~((licensee under this chapter tending~~  
11 ~~to induce)) driver training school owner or instructor including:~~

12        (a) Inducing anyone to believe, or to give the impression, that a  
13 license to operate a motor vehicle or any other license granted by the  
14 director may be obtained by any means other than those prescribed by  
15 law, or furnishing or obtaining the same by illegal or improper means,  
16 or requesting, accepting, or collecting money for such purposes;

17        (b) Operation of a driver training school without a license,  
18 providing instruction without an instructor's license, verifying  
19 enrollment prior to being licensed, misleading or false statements on  
20 applications for a commercial driver training school license or  
21 instructor's license or on any required records or supporting  
22 documentation;

23        (c) Failing to fully document and maintain all required driver  
24 training school records of instruction, school operation, and  
25 instructor training;

26        (d) Issuing a driver training course certificate without requiring  
27 completion of the necessary behind-the-wheel and classroom instruction.

28        ~~((+5))~~ (9) "Instructor" means any person employed by or otherwise  
29 associated with a driver training school to instruct persons in the  
30 operation of ~~((automobiles)) an automobile.~~

31        (10) "Owner" means an individual, partnership, corporation,  
32 association, or other person or group that holds a substantial interest  
33 in a driver training school.

34        ~~((+6))~~ (11) "Place of business" means a designated location at  
35 which the business of a driver training school is transacted and its  
36 records are kept.

37        ~~((+7))~~ (12) "Person" means any individual, firm, corporation,  
38 partnership, or association.

1       (13) "Substantial interest holder" means a person who has actual or  
2 potential influence over the management or operation of any driver  
3 training school. Evidence of substantial interest includes, but is not  
4 limited to, one or more of the following:

5       (a) Directly or indirectly owning, operating, managing, or  
6 controlling a driver training school or any part of a driver training  
7 school;

8       (b) Directly or indirectly profiting from or assuming liability for  
9 debts of a driver training school;

10       (c) Is an officer or director of a driver training school;

11       (d) Owning ten percent or more of any class of stock in a privately  
12 or closely held corporate driver training school, or five percent or  
13 more of any class of stock in a publicly traded corporate driver  
14 training school;

15       (e) Furnishing ten percent or more of the capital, whether in cash,  
16 goods, or services, for the operation of a driver training school  
17 during any calendar year; or

18       (f) Directly or indirectly receiving a salary, commission,  
19 royalties, or other form of compensation from the activity in which a  
20 driver training school is or seeks to be engaged.

21       (14) "Student" means any person enrolled in a driver training  
22 course that pays a fee for instruction.

23       **Sec. 3.** RCW 46.82.300 and 2002 c 195 s 5 are each amended to read  
24 as follows:

25       (1) The director shall be assisted in the duties and  
26 responsibilities of this chapter by the driver instructors' advisory  
27 committee, consisting of five members. Members of the advisory  
28 committee shall be appointed by the director for two-year terms and  
29 shall consist of a representative of the driver training schools, a  
30 representative of the driving instructors (who shall not be from the  
31 same school as the school member), a representative of the  
32 superintendent of public instruction, a representative of the  
33 department of licensing, and a representative from the Washington state  
34 traffic safety commission. Members shall be reimbursed for travel  
35 expenses in accordance with RCW 43.03.050 and 43.03.060. A member who  
36 is receiving a salary from the state shall not receive compensation  
37 other than travel expenses incurred in such service.

1 (2) The advisory committee shall meet at least semiannually and  
2 shall have additional meetings as may be called by the director. The  
3 director or the director's representative shall attend all meetings of  
4 the advisory committee and shall serve as chairman.

5 (3) Duties of the advisory committee shall be to:

6 (a) Advise and confer with the director or the director's  
7 representative on matters pertaining to the establishment of rules  
8 necessary to carry out this chapter;

9 ~~(b) ((Review violations of this chapter and to recommend to the  
10 director appropriate enforcement or disciplinary action as provided in  
11 this chapter;~~

12 ~~(c))~~ Review and update when necessary a curriculum consisting of  
13 a list of items of knowledge and the processes of driving a motor  
14 vehicle specifying the minimum requirements adjudged necessary in  
15 teaching a proper and adequate course of driver education;

16 ~~((d))~~ (c) Review and update instructor certification standards to  
17 be consistent with RCW 46.82.330 and take into consideration those  
18 standards required to be met by traffic safety education teachers under  
19 RCW 28A.220.020(3); and

20 ~~((e))~~ (d) Prepare the examination for a driver instructor's  
21 certificate and review examination results at least once each calendar  
22 year for the purpose of updating and revising examination standards.

23 **Sec. 4.** RCW 46.82.310 and 2002 c 352 s 24 are each amended to read  
24 as follows:

25 (1) No person shall engage in the business of conducting a driver  
26 training school without a license issued by the director for that  
27 purpose. The school's license must be displayed before the school may:

28 (a) Schedule, enroll, or engage any students in a course of  
29 instruction;

30 (b) Issue a verification of enrollment to any student; or

31 (c) Begin any classroom or behind-the-wheel instruction.

32 (2) An application for a driver training school license shall be  
33 filed with the director, containing such information as prescribed by  
34 the director, including a uniform business identifier number,  
35 accompanied by an application fee of three hundred dollars, which shall  
36 in no event be refunded. Before an application for a driver training  
37 school license is approved, the business practices, facilities,

1 records, and insurance of the proposed school must be inspected and  
2 reviewed by authorized representatives of the director. If an  
3 application is approved by the director, the applicant upon payment of  
4 an additional fee of two hundred dollars shall be granted a license  
5 valid for a period of one year from the date of issuance.

6 ~~((+2))~~ (3) A driver training school may apply for a license to  
7 establish a branch office or branch classroom by filing an application  
8 with the director, containing such information as prescribed by the  
9 director. Before an application for a license to establish a branch  
10 office or branch classroom is approved, the business practices,  
11 facilities, records, and insurance of the proposed branch location must  
12 be inspected and reviewed by authorized representatives of the  
13 director. If an application is approved by the director, the applicant  
14 shall be granted a license valid for a period of one year from the date  
15 of issuance.

16 (4) The annual fee for renewal of a school license shall be two  
17 hundred fifty dollars. Subject to the department's inspection of the  
18 business, the director shall issue a license certificate to each  
19 licensee which shall be conspicuously displayed in the place of  
20 business of the licensee. If the director has not received a renewal  
21 application ~~((has not been received by the director within sixty days~~  
22 ~~from))~~ on or before the date a ~~((notice of))~~ license ~~((expiration was~~  
23 ~~mailed to the licensee))~~ expires, the license will be void requiring a  
24 new application as provided for in this chapter, including payment of  
25 all fees.

26 ~~((+3))~~ (5) The person to whom a driver training school license has  
27 been issued must notify the director in writing within ~~((thirty))~~ ten  
28 business days after any change is made in the officers, directors, or  
29 location of the place of business of the school.

30 ~~((+4) Driver training school licenses shall not be transferable.~~  
31 ~~In the event of any transfer of ownership in the business, an~~  
32 ~~application for))~~ (6) A change involving the ownership of a driver  
33 training school requires a new license application, including payment  
34 of all fees ~~((, must be made))~~.

35 (a) The owner relinquishing the business must notify the director  
36 in writing within ten business days.

37 (b) The new owner must submit an application as prescribed by rule

1 of the department for transfer of the school's license to the director  
2 within ten business days.

3 (c) Upon receipt of the required notification and the application  
4 for license transfer, the director shall permit continuance of the  
5 business for a period not to exceed sixty days from the date of  
6 transfer pending approval of the new application for a school license.

7 (d) The transferred license shall remain subject to suspension,  
8 revocation, or denial in accordance with RCW 46.82.350 and 46.82.360.

9 ~~((5) The director shall not issue or renew a school license~~  
10 ~~certificate until the licensee has filed with the director evidence of~~  
11 ~~liability insurance coverage with an insurance company authorized to do~~  
12 ~~business in this state in the amount of not less than three hundred~~  
13 ~~thousand dollars because of bodily injury or death to two or more~~  
14 ~~persons in any one accident, not less than one hundred thousand dollars~~  
15 ~~because of bodily injury or death to one person in one accident, and~~  
16 ~~not less than fifty thousand dollars because of property damage to~~  
17 ~~others in one accident, and the coverage shall include uninsured~~  
18 ~~motorists coverage. The insurance coverage shall be maintained in full~~  
19 ~~force and effect and the director shall be notified at least ten days~~  
20 ~~prior to cancellation or expiration of any such policy of insurance.~~

21 ~~(6-))~~ (7) Evidence of liability insurance coverage must be filed  
22 with the director prior to the issuance or renewal of a school license,  
23 and shall meet the following standards:

24 (a) Coverage must be provided by a company authorized to do  
25 business in Washington state;

26 (b) Automobile liability coverage shall be in the amount of not  
27 less than one million dollars, and shall include property damage and  
28 uninsured motorists coverage;

29 (c) The required coverage shall be maintained in full force and  
30 effect for the term of the school license;

31 (d) Changes in insurance coverage due to cancellation or expiration  
32 require notification of the director and proof of continuing coverage  
33 within ten working days following any change; and

34 (e) Coverage shall be issued in the name of the school and identify  
35 the covered locations and vehicles.

36 (8) The increased insurance requirements of subsection ((+5)) (7)  
37 of this section must be in effect by no later than one year after  
38 (September 1, 1979) July 1, 2006.

1       **Sec. 5.** RCW 46.82.320 and 2002 c 352 s 25 are each amended to read  
2 as follows:

3       (1) No person(~~(, including the owner, operator, partner, officer,~~  
4 ~~or stockholder of)) affiliated with a driver training school shall give  
5 instruction in the operation of an automobile for a fee without a  
6 license issued by the director for that purpose. An application for an  
7 original or renewal instructor's license shall be filed with the  
8 director, containing such information as prescribed by this chapter and  
9 by the director, accompanied by an application fee of seventy-five  
10 dollars, which shall in no event be refunded. An application for a  
11 renewal instructor's license must be accompanied by proof of the  
12 applicant's continuing professional development that meets the  
13 standards adopted by the director. If the (~~application is approved by~~  
14 ~~the director and the~~) applicant satisfactorily meets the application  
15 requirements and the examination requirements as prescribed in RCW  
16 46.82.330, the applicant shall be granted a license valid for a period  
17 of one year from the date of issuance. An instructor shall take a  
18 requalification examination every five years.~~

19       (2) The annual fee for renewal of an instructor's license shall be  
20 twenty-five dollars. The director shall issue a license certificate to  
21 each (~~licensee which shall be~~) qualified applicant.

22       (a) An employing driver training school must conspicuously  
23 (~~displayed in the~~) display an instructor's license at its established  
24 place of business (~~of the employing driver training school~~) and  
25 display copies of the instructor's license at any branch office where  
26 the instructor provides instruction.

27       (b) Unless revoked, canceled, or denied by the director, the  
28 license shall remain the property of the licensee in the event of  
29 termination of employment or employment by another driver training  
30 school.

31       (c) If the director has not received a renewal application (~~has~~  
32 ~~not been received by the director within sixty days from~~) on or before  
33 the date a (~~notice of~~) license (~~expiration was mailed to the~~  
34 ~~licensee~~) expires, the license will be voided requiring a new  
35 application as provided for in this chapter, including examination and  
36 payment of all fees.

37       (d) If revoked, canceled, or denied by the director, the license

1 must be surrendered to the department within ten days following the  
2 effective date of such action.

3 ~~(3) ((Persons who qualify under the rules jointly adopted by the~~  
4 ~~superintendent of public instruction and the director of licensing to~~  
5 ~~teach only the laboratory phase, shall be subject to a ten-dollar~~  
6 ~~examination fee.~~

7 ~~(4))~~ Each licensee shall be provided with a wallet-size  
8 identification card by the director at the time the license is issued  
9 which shall be carried on the instructor's person at all times while  
10 engaged in instructing.

11 ~~((5))~~ (4) The person to whom an instructor's license has been  
12 issued shall notify the director in writing within ~~((thirty))~~ ten days  
13 of any change of employment or termination of employment, providing the  
14 name and address of the new driver training school by whom the  
15 instructor will be employed.

16 **Sec. 6.** RCW 46.82.325 and 2002 c 195 s 4 are each amended to read  
17 as follows:

18 ~~(1) ((Persons instructing students under eighteen years of age))~~  
19 Instructors, owners, and other persons affiliated with a school who  
20 have contact with students are required to have a background check  
21 through the Washington state patrol criminal identification system and  
22 through the federal bureau of investigation. The background check  
23 shall also include a fingerprint check using a fingerprint card.  
24 Persons covered by this section must have their background rechecked  
25 under this subsection every five years.

26 (2) In addition to the background check required under subsection  
27 (1) of this section, persons covered by this section must have a  
28 background check through the Washington criminal identification system  
29 at the time of application for any renewal license.

30 (3) The cost of the background check shall be paid by the  
31 ~~((instructor))~~ person.

32 ~~((3) The department may waive the background check for any~~  
33 ~~applicant who has had a background check within two years before~~  
34 ~~applying to become an instructor.))~~

35 **Sec. 7.** RCW 46.82.330 and 1979 ex.s. c 51 s 6 are each amended to  
36 read as follows:

1           (1) ~~((Upon receipt and approval of an application accompanied by~~  
2 ~~the proper fees, the director shall arrange for the examination of each~~  
3 ~~applicant for an instructor's license and shall notify each applicant~~  
4 ~~of the time and place to appear for examination.~~

5           ~~(2) The examination prepared by the advisory committee shall~~  
6 ~~consist of a knowledge test and an actual driving test conducted in a~~  
7 ~~vehicle provided by the applicant. The examination shall determine:~~  
8 ~~The applicant's knowledge of driving laws, rules, and regulations; the~~  
9 ~~applicant's ability to safely operate a motor vehicle; and the~~  
10 ~~applicant's ability to impart this knowledge to others.~~

11           ~~(3) No))~~ The application for an instructor's license shall document  
12 the applicant's fitness, knowledge, skills, and abilities to teach the  
13 classroom and behind-the-wheel phases of a driver training education  
14 program in a commercial driver training school.

15           (2) An applicant shall be ((permitted by the director to take the  
16 examination for an instructor's license until it is determined that the  
17 applicant meets the following requirements)) eligible to apply for an  
18 original instructor's certificate if the applicant possesses and meets  
19 the following qualifications and conditions:

20           (a) Has been licensed to drive for five or more years and possesses  
21 a current and valid Washington driver's license or is a resident of a  
22 jurisdiction immediately adjacent to Washington state and possesses a  
23 current and valid license issued by such jurisdiction, and does not  
24 have on his or her driving record any of the violations or penalties  
25 set forth in ((+3)) (2)(a) (i), (ii), or (iii) of this section. The  
26 director shall have the right to examine the driving record of the  
27 applicant from the department of licensing and from other jurisdictions  
28 and from these records determine if the applicant has had:

29           (i) Not more than ~~((three))~~ one moving traffic violation~~((s))~~  
30 within the preceding twelve months or more than ~~((four))~~ two moving  
31 traffic violations in the preceding twenty-four months;

32           (ii) No alcohol-related traffic violation or incident within the  
33 preceding ~~((three))~~ seven years; and

34           (iii) No driver's license suspension, cancellation, revocation, or  
35 denial within the preceding ~~((three))~~ five years;

36           (b) Is a high school graduate or the equivalent and at least  
37 twenty-one years of age;

1 (c) Has completed an acceptable application on a form prescribed by  
2 the director; ~~((and))~~

3 (d) Has satisfactorily completed a ~~((sixty-hour))~~ course of  
4 instruction in the training of drivers acceptable to the director~~((-~~  
5 ~~The course shall include at least twelve hours of))~~ that is no less  
6 than sixty hours in length and includes instruction in classroom and  
7 behind-the-wheel teaching methods and ~~((at least six hours))~~ supervised  
8 practice behind-the-wheel teaching of driving techniques; and

9 (e) Has successfully completed an instructor's examination as  
10 prepared by the advisory committee, which shall consist of a knowledge  
11 test and an actual driving test conducted in a vehicle provided by the  
12 applicant. The examination shall determine:

- 13 (i) The applicant's knowledge of driving laws and rules;  
14 (ii) The applicant's ability to safely operate a motor vehicle; and  
15 (iii) The applicant's ability to impart this knowledge and ability  
16 to others.

17 ~~((4) Any person with a valid instructor's license in effect as of~~  
18 ~~September 1, 1979, shall not be required to take the examination, or~~  
19 ~~complete the revised course of instruction, otherwise required under~~  
20 ~~this section.))~~

21 **Sec. 8.** RCW 46.82.350 and 1979 ex.s. c 51 s 8 are each amended to  
22 read as follows:

23 ~~((1))~~ The director may suspend, revoke, deny, or refuse to renew  
24 an instructor's license or a driver training school license, or impose  
25 such other disciplinary action authorized under RCW 18.235.110, upon  
26 determination that the applicant, licensee, or owner has engaged in  
27 unprofessional conduct as defined by RCW 18.235.130 or for any of the  
28 following causes:

29 ~~((a))~~ (1) Upon determination that the licensee has made a false  
30 statement or concealed any material fact in connection with the  
31 application or license renewal;

32 ~~((b))~~ (2) Upon ~~((conviction of))~~ determination that the  
33 applicant, licensee, owner, or any person directly or indirectly  
34 interested in the driver training school's business has been convicted  
35 of a felony, or any crime involving violence, dishonesty, deceit,  
36 indecent, degeneracy, or moral turpitude;

1       ~~((e))~~ (3) Upon determination that the applicant, licensee, owner,  
2 or any person directly or indirectly interested in the driver training  
3 school's business previously held a driver training school license  
4 which was revoked, suspended, or refused renewal by the director;

5       ~~((d))~~ (4) Upon determination that the applicant ~~((e))~~, licensee,  
6 or owner does not have ~~((a))~~ an established place of business as  
7 required by this chapter;

8       ~~((e))~~ (5) Upon determination that the applicant or licensee has  
9 failed to require all persons with financial interest in the driver  
10 training school to be signatories to the application;

11       ~~((f))~~ (6) Upon determination that the applicant ~~((e))~~, licensee,  
12 or owner has ~~((been found guilty of fraud or))~~ committed fraud, induced  
13 another to commit fraud, or engaged in fraudulent practices in relation  
14 to the business conducted under the license, or ~~((guilty of inducing))~~  
15 has induced another to resort to fraud in relation to securing for  
16 himself, herself, or another a license to drive a motor vehicle; ~~((e~~

17 ~~g))~~ (7) Upon determination that the applicant, licensee, or owner  
18 has engaged in conduct that could endanger the educational welfare or  
19 personal safety of students or others;

20       (8) Upon determination that a licensed instructor no longer  
21 possesses and meets the qualifications and conditions set out in RCW  
22 46.82.330(2)(a); or

23       (9) Upon determination that the applicant ~~((e))~~, licensee or owner  
24 failed to satisfy or fails to satisfy the other conditions stated in  
25 this chapter.

26       **Sec. 9.** RCW 46.82.360 and 1989 c 337 s 19 are each amended to read  
27 as follows:

28       The license of any driver training school or instructor may be  
29 suspended, revoked, denied, or refused renewal, or such other  
30 disciplinary action authorized under RCW 18.235.110 may be imposed, for  
31 failure to comply with the business practices specified in this  
32 section.

33       (1) No place of business shall be established nor any business of  
34 a driver training school conducted or solicited within one thousand  
35 feet of an office or building owned or leased by the department of  
36 licensing in which examinations for drivers' licenses are conducted.

1 The distance of one thousand feet shall be measured along the public  
2 streets by the nearest route from the place of business to such  
3 building.

4 (2) Any automobile used by a driver training school or an  
5 instructor for instruction purposes must be equipped with:

6 (a) Dual controls for foot brake and clutch, or foot brake only in  
7 a vehicle equipped with an automatic transmission;

8 (b) An instructor's rear view mirror; and

9 (c) A sign in legible, printed English letters displayed on the  
10 back or top, or both, of the vehicle that:

11 (i) Is not less than twenty inches in horizontal width or less than  
12 ten inches in vertical height (~~(and having)~~);

13 (ii) Has the words "student driver," (~~(or)~~) "instruction car," or  
14 (~~(both, in legible, printed, English)~~) "driving school" in letters at  
15 least two and one-half inches in height near the top (~~(and)~~);

16 (iii) Has the name and telephone number of the school in similarly  
17 legible letters not less than one inch in height placed somewhere below  
18 the aforementioned words (~~(, and the street number and name and the~~  
19 ~~telephone number in similarly legible letters at least one inch in~~  
20 ~~height placed next below the name of the school. The)~~);

21 (iv) Has lettering and background colors (~~(shall be of contrasting~~  
22 ~~shades so as to be)~~) that make it clearly readable at one hundred feet  
23 in clear daylight (~~(. The sign shall be)~~);

24 (v) Is displayed at all times when instruction is being given.

25 (3) Instruction may not be given by an instructor to a student who  
26 is under the age of fifteen, and behind-the-wheel instruction may not  
27 be given by an instructor to a student in an automobile unless the  
28 student possesses a current and valid instruction permit issued  
29 pursuant to RCW 46.20.055 or a current and valid driver's license.

30 (4) No driver training school or instructor shall advertise or  
31 otherwise indicate that the issuance of a driver's license is  
32 guaranteed or assured as a result of the course of instruction offered.

33 (5) No driver training school or instructor shall utilize any types  
34 of advertising without using the full, legal name of the school and  
35 identifying itself as a driver training school. (~~(Items)~~) Instruction  
36 vehicles and equipment, classrooms, driving simulators, training  
37 materials and services advertised must be available in a manner as  
38 might be expected by the average person reading the advertisement.

1 (6) A driver training school shall have an established place of  
2 business owned, rented, or leased by the school and regularly occupied  
3 and used exclusively for the business of giving driver instruction.  
4 The established place of business of a driver training school (~~that~~  
5 ~~applies for an initial license after July 23, 1989,~~) shall be located  
6 in a district that is zoned for business or commercial purposes.

7 (a) The established place of business, branch office, or classroom  
8 or advertised address of any such driver training school shall not  
9 consist of or include a house trailer, residence, tent, temporary  
10 stand, temporary address, bus, telephone answering service if such  
11 service is the sole means of contacting the driver training school, a  
12 room or rooms in a hotel or rooming house or apartment house, or  
13 premises occupied by a single or multiple-unit dwelling house.

14 (b) A driver training school may lease classroom space within a  
15 public or private school that is recognized and regulated by the office  
16 of the superintendent of public instruction to conduct student  
17 instruction as approved by the director. However, such use of public  
18 or private classroom space does not alleviate the driver training  
19 school from securing and maintaining an established place of business  
20 nor from using its own classroom on a regular basis as required by this  
21 chapter.

22 (c) To classify as a branch office or classroom the facility must  
23 be within a thirty-five mile radius of the established place of  
24 business.

25 (d) Nothing in this subsection may be construed as limiting the  
26 authority of local governments to grant conditional use permits or  
27 variances from zoning ordinances.

28 (7) No driver training school or instructor shall conduct any type  
29 of instruction or training on a course used by the department of  
30 licensing for testing applicants for a Washington driver's license.

31 (8) Each driver training school shall maintain (~~records on all~~  
32 ~~of~~) its (~~students, including~~) student, instructor, vehicle, and  
33 operating records at its established place of business.

34 (a) Student records must include the student's name (~~and~~),  
35 address, and telephone number, (~~the starting and ending~~) date of  
36 enrollment and all dates of instruction, the student's instruction  
37 permit or driver's license number, the type of training given, (~~and~~)

1 the total number of hours of instruction, and the name and signature of  
2 the instructor or instructors.

3 (b) Instructor records shall include the instructor's license  
4 number, the date of hire, the dates and duration of an instructor's  
5 training including initial certification as an instructor and  
6 continuing education, an abstract of the driving record for the  
7 instructor obtained within the past year, and a list of the locations  
8 where the instructor is providing student instruction.

9 (c) Vehicle records shall include the original insurance policies  
10 and copies of the vehicle registration for all instruction vehicles.

11 (d) Student and instructor records ((of past students)) shall be  
12 maintained for five years following the completion of the instruction.  
13 Vehicle records shall be maintained for five years following their  
14 issuance. All records shall be made available for inspection upon the  
15 request of the department.

16 (e) Upon a transfer or sale of school ownership the school records  
17 shall be transferred to and become the property and responsibility of  
18 the new owner.

19 (9) Each driver training school shall, at its established place of  
20 business, display, in a place where it can be seen by all clients, a  
21 copy of the required minimum curriculum ((compiled)) furnished by the  
22 ((driver advisory committee)) department and a copy of the school's own  
23 curriculum. Copies of the required minimum curriculum are to be  
24 provided to driver training schools and instructors by the director.

25 (10) Driver training schools and instructors shall submit to  
26 periodic inspections of their business practices, facilities, records,  
27 and insurance by authorized representatives of the director of the  
28 department of licensing.

29 **Sec. 10.** RCW 46.82.370 and 1979 ex.s. c 51 s 10 are each amended  
30 to read as follows:

31 Upon notification of suspension, revocation, denial, or refusal to  
32 renew a license under this chapter, a driver training school or  
33 instructor shall have the right to appeal the action being taken. An  
34 appeal may be made to the director, who shall cause a hearing to be  
35 held ((by the advisory committee)) in accordance with chapter 34.05  
36 RCW. Filing an appeal shall stay the action pending the hearing and  
37 the director's decision. Upon conclusion of the hearing, ((the

1 ~~advisory committee shall notify the director of its findings of fact~~  
2 ~~and recommended action. Within ten days of receipt of the advisory~~  
3 ~~committee's findings and recommendation,~~) the director shall issue a  
4 decision on the appeal.

5 (1) A license may, however, be temporarily suspended by the  
6 director without notice pending any prosecution, investigation, or  
7 hearing where such emergency action is warranted. A licensee or  
8 applicant entitled to a hearing shall be given due notice thereof.

9 (2) The sending of a notice of a hearing by registered mail to the  
10 last known address of a licensee or applicant in accordance with  
11 chapter 34.05 RCW shall be deemed due notice.

12 (3) The director or the director's authorized representative shall  
13 preside over the (~~advisory committee during the~~) hearing and shall  
14 have the power to subpoena witnesses, administer oaths to witnesses,  
15 take testimony of any person, and cause depositions to be taken. A  
16 subpoena issued under the authority of this section shall be served in  
17 the same manner as a subpoena issued by a court of record. Witnesses  
18 subpoenaed under this section and persons other than officers or  
19 employees of the department of licensing shall be entitled to the same  
20 fees and mileage as are allowed in civil actions in courts of law.

21 **Sec. 11.** RCW 46.82.420 and 2004 c 126 s 2 are each amended to read  
22 as follows:

23 (1) The advisory committee shall ((compile)) consult with the  
24 department in the development and maintenance of a basic minimum  
25 required curriculum and the department shall furnish to each qualifying  
26 applicant for an instructor's license or a driver training school  
27 license a (~~basic minimum required~~) copy of such curriculum.

28 (2) In addition to information on the safe, lawful, and responsible  
29 operation of motor vehicles on the state's highways, the basic minimum  
30 required curriculum shall ((also)) include ((+1)) information on:

31 (a) Intermediate driver's license issuance, passenger and driving  
32 restrictions and sanctions for violating the restrictions, and the  
33 effect of traffic violations and collisions on the driving privileges;

34 (b) The effects of alcohol and drug use on motor vehicle operators,  
35 including information on drug and alcohol related traffic injury and  
36 mortality rates in the state of Washington((+2)) and the current

1 penalties for driving under the influence of drugs or alcohol; and  
2 (~~(3) information on~~)

3 (c) Motorcycle awareness, approved by the Motorcycle Safety  
4 Foundation, to ensure new operators of motor vehicles have been  
5 instructed in the importance of safely sharing the road with  
6 motorcyclists.

7 (3) Should the director be presented with acceptable proof that any  
8 licensed instructor or driver training school is not showing proper  
9 diligence in teaching such basic minimum curriculum as required, the  
10 instructor or school shall be required to appear before the advisory  
11 committee and show cause why the license of the instructor or school  
12 should not be revoked for such negligence. If the committee does not  
13 accept such reasons as may be offered, the director may revoke the  
14 license of the instructor or school, or both.

15 **Sec. 12.** RCW 18.235.020 and 2002 c 86 s 103 are each amended to  
16 read as follows:

17 (1) This chapter applies only to the director and the boards and  
18 commissions having jurisdiction in relation to the businesses and  
19 professions licensed under the chapters specified in this section.  
20 This chapter does not apply to any business or profession not licensed  
21 under the chapters specified in this section.

22 (2)(a) The director has authority under this chapter in relation to  
23 the following businesses and professions:

- 24 (i) Auctioneers under chapter 18.11 RCW;
- 25 (ii) Bail bond agents under chapter 18.185 RCW;
- 26 (iii) Camping resorts' operators and salespersons under chapter  
27 19.105 RCW;
- 28 (iv) Commercial telephone solicitors under chapter 19.158 RCW;
- 29 (v) Cosmetologists, barbers, manicurists, and estheticians under  
30 chapter 18.16 RCW;
- 31 (vi) Court reporters under chapter 18.145 RCW;
- 32 (vii) Driver training schools and instructors under chapter 46.82  
33 RCW;
- 34 (viii) Employment agencies under chapter 19.31 RCW;
- 35 (~~(viii)~~) (ix) For hire vehicle operators under chapter 46.72 RCW;
- 36 (~~(ix)~~) (x) Limousines under chapter 46.72A RCW;
- 37 (~~(x)~~) (xi) Notaries public under chapter 42.44 RCW;

1       (~~(xi)~~) (xii) Private investigators under chapter 18.165 RCW;  
2       (~~(xii)~~) (xiii) Professional boxing, martial arts, and wrestling  
3 under chapter 67.08 RCW;  
4       (~~(xiii)~~) (xiv) Real estate appraisers under chapter 18.140 RCW;  
5       (~~(xiv)~~) (xv) Real estate brokers and salespersons under chapters  
6 18.85 and 18.86 RCW;  
7       (~~(xv)~~) (xvi) Security guards under chapter 18.170 RCW;  
8       (~~(xvi)~~) (xvii) Sellers of travel under chapter 19.138 RCW;  
9       (~~(xvii)~~) (xviii) Timeshares and timeshare salespersons under  
10 chapter 64.36 RCW; and  
11       (~~(xviii)~~) (xix) Whitewater river outfitters under chapter 79A.60  
12 RCW.

13       (b) The boards and commissions having authority under this chapter  
14 are as follows:

15       (i) The state board of registration for architects established in  
16 chapter 18.08 RCW;

17       (ii) The cemetery board established in chapter 68.05 RCW;

18       (iii) The Washington state collection agency board established in  
19 chapter 19.16 RCW;

20       (iv) The state board of registration for professional engineers and  
21 land surveyors established in chapter 18.43 RCW governing licenses  
22 issued under chapters 18.43 and 18.210 RCW;

23       (v) The state board of funeral directors and embalmers established  
24 in chapter 18.39 RCW;

25       (vi) The state board of registration for landscape architects  
26 established in chapter 18.96 RCW; and

27       (vii) The state geologist licensing board established in chapter  
28 18.220 RCW.

29       (3) In addition to the authority to discipline license holders, the  
30 disciplinary authority may grant or deny licenses based on the  
31 conditions and criteria established in this chapter and the chapters  
32 specified in subsection (2) of this section. This chapter also governs  
33 any investigation, hearing, or proceeding relating to denial of  
34 licensure or issuance of a license conditioned on the applicant's  
35 compliance with an order entered under RCW 18.235.110 by the  
36 disciplinary authority.

1       **Sec. 13.** RCW 46.20.055 and 2005 c 314 s 303 are each amended to  
2 read as follows:

3       (1) **Driver's instruction permit.** The department may issue a  
4 driver's instruction permit with or without a photograph to an  
5 applicant who has successfully passed all parts of the examination  
6 other than the driving test, provided the information required by RCW  
7 46.20.091, paid a fee of twenty dollars, and meets the following  
8 requirements:

9       (a) Is at least fifteen and one-half years of age; or

10       (b) Is at least fifteen years of age and:

11       (i) Has submitted a proper application; and

12       (ii) Is enrolled in a traffic safety education program offered,  
13 approved, and accredited by the superintendent of public instruction or  
14 offered by a driver training school licensed and inspected by the  
15 department of licensing under chapter 46.82 RCW, that includes practice  
16 driving.

17       (2) **Waiver of written examination for instruction permit.** The  
18 department may waive the written examination, if, at the time of  
19 application, an applicant is enrolled in:

20       (a) A traffic safety education course as defined by RCW  
21 28A.220.020(2); or

22       (b) A course of instruction offered by a licensed driver training  
23 school as defined by RCW 46.82.280(~~(+1)~~) (4).

24       The department may require proof of registration in such a course  
25 as it deems necessary.

26       (3) **Effect of instruction permit.** A person holding a driver's  
27 instruction permit may drive a motor vehicle, other than a motorcycle,  
28 upon the public highways if:

29       (a) The person has immediate possession of the permit; and

30       (b) An approved instructor, or a licensed driver with at least five  
31 years of driving experience, occupies the seat beside the driver.

32       (4) **Term of instruction permit.** A driver's instruction permit is  
33 valid for one year from the date of issue.

34       (a) The department may issue one additional one-year permit.

35       (b) The department may issue a third driver's permit if it finds  
36 after an investigation that the permittee is diligently seeking to  
37 improve driving proficiency.

1 (c) A person applying to renew an instruction permit must submit  
2 the application to the department in person.

3 NEW SECTION. **Sec. 14.** This act is necessary for the immediate  
4 preservation of the public peace, health, or safety, or support of the  
5 state government and its existing public institutions, and takes effect  
6 immediately."

7 Correct the title.

EFFECT: Where there are fees removed from the statute and the Department of Licensing is instead granted the authority to set the fee by rule, the original fee is reinstated and the department's authority to set the fee is removed. Where the department is granted the authority to set a new fee by rule, the authority to set the fee and reference to the fee is removed.

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